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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,271	08/15/2001	Ricky K. C. Yeung	24753	8109

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EXAMINER

MADSEN, ROBERT A

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,271

Applicant(s)

YEUNG, RICKY K. C.

Examiner

Robert Madsen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lagarde et al. (US 4929460).

3. Lagarde et al. teach nets, which serve as molds to maintain product shape (Column 1, lines 15-20), around food products comprising methyl-vinyl polysiloxane, as recited in claims 1, 6, 7, that is crosslinked by 0.06 to 0.4% of 2,5-dimethyl-2,5-ditert-butylperoxy hexane, as recited in claims 8-10 (Column 2, lines 44-61, Column 3, line 38 to Column 4, line 49). Lagarde et al. further teach preparing the net, placing the food in the net, baking the food in an oven, and removing the food and the net out the oven. Lagarde et al. further teach the intended use of the net is for preparing food for consumption and thus inherently teaches removing the net from the food as recited in claim 1 (Abstract, Examples 1 and 2, Column 1, line 3-Column 2, line 26).

4. Claims 1, 6, 7 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Llorente Hompanera (US 6197359 B1). See, Column 1, lines 5-29, Column 1, lines 60

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to Column 2, line 25, and Column 2, line 66,. Note that peroxides taught as a cross-link agent used in combination with such cooking devices.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagarde et al. (US 4929460).in view of Hammesfahr et al. (US 2834753)

7. Lagarde et al. are silent in teaching rinsing with boiling water for 4-16 hours after manufacturing the mold.

8. Hammesfahr et al. teach it is desirable to remove polymerizing agents (e.g. benzoyl peroxide) from silicone elastomers (i.e. organopolysiloxanes reacted with peroxides) to prevent subsequent depolymerization at high temperatures when the intended use of the elastomer composition is in high temperature applications(Column 1, lines 15-67), and teach washing with boiling water from 2 to 36 hours is sufficient, depending on (Column 2, lines 30-43, Column 14, lines 5-33). Therefore it would have been obvious to wash the elastomeric material made by Lagarde et al. in boiling water for 4 to 16 hours since this procedure was known to prevent depolymerization of the elastomer during high temperature applications, like the one used by Lagarde et al.

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9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagarde et al. (US 4929460) in view of Llorente Hompanera (US 6197359 B1). and Phipps et al. (US 6063894).

10. Lagarde et al. are silent in teaching treating the elastomeric material with ultrasound as recited in claims 4 and 5.

11. Llorente Hompanera is relied on as evidence that using peroxide to form food molds generates peroxide residues and by-products (Column 3, line 23 to Column 4, line 10).

12. Phipps et al. teach removing undesired residues/impurities from polysilicone material using ultrasonification as a quicker alternative to conventional leaching/separation methods. Phipps et al. further teach the relationship between of the operational parameters of ultrasonification (i.e. time, temperature, and frequency) and the level of purity achieved (Abstract, Column 1, lines 18-57, Column 3, lines 18 to Column 4, line 39, Column 5, line 26, Figures). Therefore, it would have been obvious to apply ultrasonification to the material of Lagarde et al. since it was known that peroxide will generate unwanted residues and by-products and Phipps et al. teach ultrasonification as a method of removing unwanted impurities from a polymer structure that requires less time than conventional methods. To select an particular time, as recited in claim 5, would have been an obvious matter of design, depending on the degree of removal of peroxide by-products desired and the particular operating parameter selected (.e.g. temperature and frequency).

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Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Prevost et al. (US 5232609), Lorenzetti et al (WO 9940794 A1), Mercer (GB 1159021) teach methods of baking bread in silicone elastomer molds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Madsen whose telephone number is (703)305-0068. The examiner can normally be reached on 7:00AM-3:30PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703)308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0061.

Robert Madsen 
Examiner
Art Unit 1761
May 27, 2003


MILTON I. CANO
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